IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

WP(C).No. 8489 of 2007(I)

PETITIONER:

ST.JOHN'S CHURCH, PINDIMANA,
CHELADU P.O., KOTHAMANGALAM, REPRESENTED BY ITS
TRUSTEE P.J.POULOSE, S/O.LATE P.O.JACOB,
PUNNACKAL HOUSE, MALIPPARA P.O., KOTHAMANGALAM.

BY ADV. SRI.P.V.BABY
SRI.A.N.SANTHOSH

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY ITS
SECRETARY TO REVENUE DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE REVENUE DIVISIONAL OFFICER,
MUVATTUPUZHA.

3. THE TAHSILDAR,
KOTHAMANGALAM.

4. THE VILLAGE OFFICER,
PINDIMANA VILLAGE, CHELADU P.O.

BY G.P.SRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Thottathil B. Radhakrishnan, J.

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W.P.(C)No.8489 of 2007

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Dated this the 14th day of March, 2007.

JUDGMENT

Petitioner applied for exemption under the provisions of the Kerala Building Tax Act. Ultimately, that led to the impugned Ext.P7 Government Order. The Government have adverted to the relevant materials and came to the conclusion that the portion, which is allegedly being put to use for the purpose of Sunday School, is also being put to use for other purposes on other days. Under such circumstances, the Government were right in following the decision of this Court in W.P.(C) No.28604/2005, thereby rendering the impugned Ext.P7 order. At any rate, the question whether the Sunday School is being held and whether it is only an occasional user of charitable nature are matters which are mixed questions of law and fact and the appellate authority, having checked the

relevant materials, came to the conclusion by giving reasons, I do not find any jurisdictional error or legal infirmity in the impugned decisions. Writ petition fails. The same is dismissed.

Thottathil B.Radhakrishnan,
Judge.

sl.